

## Court Services and Offender Supervision Agency

## §812.2

(b) Second degree sexual abuse of a ward or resident of a hospital, treatment facility or other institution.

(c) First degree sexual abuse of a patient or client.

(d) Second degree sexual abuse of a patient or client.

3. Class B also includes offenders who are not included in Class A and have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

### CLASS C OFFENDERS—“TEN YEAR” REGISTRANTS

*(Other Offenses Against Adult Victims)*

*(D.C. Official Code Secs. 22-4001(8), 4002(a), 4011(b)(2)(C))*

1. Class C includes offenders who are not included in Class A or Class B and have committed any of the following crimes against an adult (that is, a person 18 years of age or older):

- (a) Third degree sexual abuse;
- (b) Fourth degree sexual abuse;
- (c) First or second degree burglary with intent to commit sex offense;
- (d) Kidnapping with intent to commit sex offense;
- (e) Threatening to commit a sexual offense (felony);
- (f) Assault with intent to commit any of the foregoing offenses;
- (g) Attempting to commit any of the foregoing offenses;
- (h) Conspiring to commit any of the foregoing offenses, or;
- (i) Any offense for which the offender agreed in a plea agreement to be subject to sex offender registration requirements.

2. Class C also includes offenders who are not included in Class A or Class B and have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

### EXCEPTIONS (D.C. OFFICIAL CODE SEC. 22-4016(B))

The following do not constitute registration offenses:

1. Any sexual offense between consenting adults or an attempt, conspiracy or solicitation to commit such an offense, except for offenses to which consent is not a defense as provided in Section 218 of the Anti-Sexual Abuse Act of 1994 (D.C. Official Code §22-3017).

2. Any misdemeanor offense that involved a person's sexual touching or attempted or solicited sexual touching of an undercover

law enforcement officer where the person believed that the officer was an adult.

3. Any misdemeanor offense committed against an adult, except where the offender agrees in a plea agreement to be subject to sex offender registration requirements.

## PART 812—COLLECTION AND USE OF DNA INFORMATION

Sec.

812.1 Purpose.

812.2 Individuals subject to DNA collection.

812.3 Coordination with the Federal Bureau of Prisons.

812.4 Collection procedures.

APPENDIX A TO PART 812—QUALIFYING DISTRICT OF COLUMBIA CODE OFFENSES

AUTHORITY: 5 U.S.C. 301; Pub. L. 106-546 (114 Stat. 2726).

SOURCE: 67 FR 54100, Aug. 21, 2002, unless otherwise noted.

### §812.1 Purpose.

The Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA”) cooperates with other federal agencies to ensure that DNA samples from offenders are appropriately furnished to the Federal Bureau of Investigation (“FBI”) for DNA analysis. The results of the DNA analyses are to be included in the Combined DNA Index System (“CODIS”).

### §812.2 Individuals subject to DNA collection.

CSOSA is responsible for collecting a DNA sample from each individual under its supervision who is, or has been, convicted of a qualifying District of Columbia Code offense. Qualifying District of Columbia Code offenses were designated by the Council of the District of Columbia in the “DNA Sample Collection Act of 2001.” CSOSA provides a listing of these offenses in the Appendix to this part. The list is presented for informational purposes only. Any future revision to the District of Columbia Code sections designating the qualifying offenses will be effective notwithstanding the timing of a conforming revision of the Appendix by CSOSA. CSOSA may choose not to collect a sample from an individual if it determines that CODIS already contains a DNA analysis for the individual.